



PATENT
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PRIOR APPLICATION: Examiner: P. Gambel, Ph.D.
Group Art Unit: 1644

**CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART
PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-Part
patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/068,935,
filed on November 23, 1998, of:

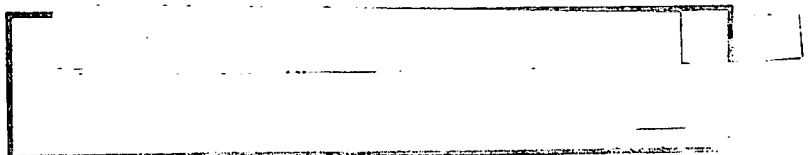
Inventor(s): David PASCUAL *et al.*

For: THERAPEUTIC AND DIAGNOSTIC AGENTS FOR THE TREATMENT
OF MICROBIAL INFECTIONS

2. The papers enclosed are as follows:

BEST AVAILABLE COPY

92 Page(s) of specification including
10 Page(s) of claims
1 Page of abstract
5 Sheet(s) of drawings containing 2 Figures
1 Other: Request to Transfer Sequence Listing with a paper copy
of sequence listing.



3. Amendments

For continuation and divisional applications:

- ☐ Cancel in this application original claims _____ in the enclosed copy of prior application before calculating the filing fee. **[At least one original claim must be retained for filing purposes.]**
- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

For continuation or divisional applications:

- ☒ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

For continuation-in-part applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

- ☐ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached.
☐ will follow.
☐ was/were filed in prior U.S. Application No. _____ on _____.

6. Assignment

For continuation or divisional applications:

- ☒ The prior application is assigned of record to Montana State University recorded November 19, 2002 at Reel/Frame 013467/0060 and Ligocyte Pharmaceuticals, Inc. recorded April 2, 1999 at Reel/Frame 9859/0705.
- ☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

- ☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation (37 C.F.R. § 1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00
			BASIC FEE	
Total Claims (37 C.F.R. §1.16(c))	26 - 20 =	6	18.00	108.00
Independent Claims (37 C.F.R. §1.16(b))	1 - 3 =	0	86.00	
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			290.00	
SUB-TOTAL =				878.00
Reduction by 1/2 for filing by a small entity				439.00
TOTAL FILING FEE =				\$439.00

8. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$439.00** representing the basic filing fee.

9. Small entity status

- ☒ Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

10. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

11. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

12. ☒ **PETITION FOR EXTENSION OF TIME.** A Petition for Extension of Time is being filed concurrently herewith in the parent application no. 09/068,935, filed November 23, 1998, for the purpose of maintaining copendency between the prior application and the present application.
13. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).
14. Additional papers enclosed:
- ☒ Information Disclosure Statement
 - ☒ Form PTO-1449
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Bonnie Weiss McLeod
Bonnie Weiss McLeod
Reg. No. 43,255

Dated: February 19, 2004

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